

MAY 19 2005

Practitioner's Docket No. 1-23880

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Douglas E. Breese

Application No.: 10 /643,530 Group No.: 3726  
 Filed: August 19, 2003 Examiner: Eric B. Compton  
 For: USE OF DRIVESHAFT WALL THICKNESS VARIATION  
 TO BALANCE A DRIVESHAFT ASSEMBLY  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**AMENDMENT, REQUEST AND FEE TO DELETE AND/OR  
 ADD TO ORIGINAL ERRONEOUSLY NAMED OR NOT NAMED  
 INVENTOR(S) IN—NONPROVISIONAL APPLICATION—DECLARATION**  
 (37 C.F.R. § 1.48(a))

**NOTE:** "If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention of the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the Inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors." 37 C.F.R. § 1.48(a)

**NOTE:** 37 C.F.R. § 1.48(f)(1): "Nonprovisional application-filing executed oath/declaration corrects Inventorship. If the correct Inventor or Inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63 by any of the inventors, the first submission of an executed oath or declaration under § 1.63 by any of the inventors during the pendency of the application will act to correct the earlier identification of inventorship. See §§ 1.41(a)(4) and 1.497(d) for submission of an executed oath or declaration to enter the national stage under 35 U.S.C. 371 and § 1.494 or § 1.495 naming an inventive entity different from the inventive entity set forth in the International stage."

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
 (When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

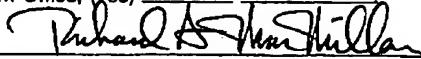
## MAILING

deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
 37 C.F.R. § 1.8(a)  as "Express Mail Post Office to Addressee"  
 with sufficient postage as first class mail. Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) 872-9306

Date: 5/19/05



Signature

Richard S. MacMillan

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Amendment, Request and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s) in—Nonprovisional Application—Declaration (37 C.F.R. § 1.48(a)) [9-22]—page 1 of 3)

1. This amendment and request is to correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on \_\_\_\_\_ (date).
2. Addition and/or Deletion of Inventor(s)

*(check and complete all applicable items)*

Add the following previously unnamed person(s) as inventor(s) of this application:

Jeffrey D. Periat

James A. Duggan

Delete the following previously incorrectly named inventor(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 3. Attachments

Attached is

(a) A statement from: *(check items below that apply)*

each person being added as an inventor that the error in Inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1). (see declaration)

each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).

(b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43, OR 1.47). 37 C.F.R. § 1.48(a)(2).

(c) written assent of the assignee *(if any of the original inventors executed an assignment)* 37 C.F.R. 1.48(a)(4)

(d) *(check the following item, if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed.)*

Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

### 4. Fee Payment (37 C.F.R. § 1.17(i)=\$130.00)

The fee required is paid as follows:

Attached is a  check  money order in the amount of \$ \_\_\_\_\_

Authorization is hereby made to charge the amount of \$ 130.00

to Deposit Account No. 13-0005

to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING: Credit card information should not be included on this form as it may become public.**

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

(Amendment, Request and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s) in—Nonprovisional Application—Declaration (37 C.F.R. § 1.48(a)) [9-22]—page 2 of 3)

Reg. No.: 30,085

Tel. No.: (419) 255-5900

Customer No.: 27210



SIGNATURE OF PRACTITIONER

Richard S. MacMillan

(type or print name of practitioner)

MacMillan, Sobanski & Todd, LLC  
One Maritime Plaza, 4th Floor

P.O. Address

Toledo, Ohio 43604

(Amendment, Request and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s) in—Nonprovisional Application—Declaration (37 C.F.R. § 1.48(a)) [9-22]—page 3 of 3)